

U.S. Department of Justice



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United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

June 24, 2008

BY HAND DELIVERY

The Honorable Victor Marrero
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10006

Re: United States v. Samuel A. Fishman, 08 Cr. 221 (VM)

Dear Judge Marrero:

Sentencing in the above-referenced matter is scheduled for Friday, June 27, 2008, at 11:30 a.m. The Government respectfully submits this letter to request a three-month adjournment of sentencing. This request is made in order for the Government to obtain prior medical and psychiatric records relating to the defendant and to have an expert conduct a psychiatric evaluation of the defendant, in order to determine the Government's position with respect to the defendant's anticipated motion for a downward departure based on diminished capacity. The Government has submit requests for records to the defendant's physicians, along with the defendant's signed consent authorizing the release of such records, but has not yet received any response.

I have spoken with Jack Litman, Esq., counsel to the defendant, and he consents to this adjournment request.

Respectfully submitted,

MICHAEL J. GARCIA
United States Attorney

By:

Sarah Y. Lai
Assistant United States Attorney
Tel.: (212) 637-1944

Request GRANTED. The sentencing of defendant <u>Samuel Fishman</u> herein is rescheduled to <u>9-19-08</u>	
at <u>2:45 p.m.</u>	
SO ORDERED.	
<u>6-24-08</u>	<u>[Signature]</u>
DATE	VICTOR MARRERO, U.S.D.J.

cc: Mr. Jack Litman, Esq.
Mr. Richard Asche, Esq.